

Message Text

UNCLASSIFIED

PAGE 01 MEXICO 09371 240555Z

65

ACTION EB-07

INFO OCT-01 ARA-10 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00

FMC-02 INR-07 NSAE-00 CG-00 OFA-01 DLOS-04 L-03 TAR-01

PM-04 AID-05 /045 W

----- 116613

R 232300Z OCT 75

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 0750

INFO AMEMBASSY CARACAS

AMCONSUL CIUDAD JUAREZ UNN

AMCONSUL GUADALAJARA UNN

AMCONSUL HERMOSILLO UNN

AMCONSUL MATAMOROS UNN

AMCONSUL MAZATLAN UNN

AMCONSUL MERIDA UNN

AMCONSUL MONTERREY UNN

AMCONSUL NUEVO LAREDO UNN

AMCONSUL TIJUANA UNN

UNCLAS MEXICO 9371

E.O. 11652: N/A

TAGS: EWWT, MX

SUBJ: SHIPPING - NEW MEXICAN NAVIGATION AND MARITIME LAW PROPOSED

1. EMBASSY HAS OBTAINED COPY OF DRAFT OF NEW NAVIGATION AND MARITIME COMMERCE LAW SUBMITTED BY GOM PRESIDENT ECHEVERRIA TO CONGRESS ON OCTOBER 14, 1975. PURPOSES OF NEW LAW WERE ANNOUNCED AS (1) TO ELIMINATE CONTRADICTORY REGULATIONS; (2) TO REGULATE PORT ACTIVITY; (3) TO PROMOTE DEVELOPMENT OF MEXICAN SHIPBUILDING INDUSTRY; (4) TO CLARIFY FREIGHT RATES; AND (5) TO REGULATE ACTIVITIES OF SHIP AND CUSTOMS AGENTS.

2. ARTICLE 20 BIS STATES "ALL THE CREW INCLUDING THE CAPTAIN OR MASTER OF A MEXICAN SHIP MUST BE MEXICAN BY BIRTH".

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MEXICO 09371 240555Z

3. ARTICLE 53 BIS OF THE PROPOSED NEW LAW STATES THAT "NATIONAL MARITIME TRANSPORT ACTIVITIES ARE EXCLUSIVELY RESERVED TO MEXICANS OR TO MEXICAN ORGANIZATIONS WHICH HAVE A CLAUSE THAT EXCLUDES FOREIGNERS".

4. ARTICLE 67 BIS STATES "THE SECRETARIAT OF NAVY AND OF COMMUNICATIONS AND TRANSPORTATION WILL TAKE ALL NECESSARY MEANS TO PREVENT DISLOYAL COMPETITIVE PRACTICES WITH REGARD TO MEXICAN SHIPS, WHEN THE FREIGHT OR PASSENGER RATES ARE INJUROUS TO MEXICAN FOREIGN COMMERCE OR THE NATIONAL MERCHANT MARINE".

5. ARTICLE 92 STATES "ENTITIES ARE ABLE TO REGISTER SHIPS AS MEXICAN WHO (A) ARE INDIVIDUALS OF MEXICAN NATIONALITY; (B) ORGANIZATIONS CONSTITUTED IN CONFORMANCE TO MEXICAN LAW, WITH A CLAUSE EXCLUDING FOREIGNERS, WHOSE STATUTES CLEARLY STATE THAT ALL THE ADMINISTRATORS, MANAGERS AND THEIR DEPUTIES SHALL ALWAYS BE OF MEXICAN NATIONALITY".

6. ARTICLE 93 BIS STATES "WITH REGARD TO MATRICULATION, THE ACQUISITION OF SHIPS IN FOREIGN COUNTRIES SHALL BE SUBJECT TO PRIOR APPROVAL BY THE SECRETARIAT OF NAVY - WHICH WILL DENY SUCH PERMISSION WHEN SHIPYARDS ESTABLISHED IN MEXICO ARE ABLE TO CONSTRUCT SHIPS WHICH ARE ADEQUATE FOR THE INTENDED PURPOSES".

7. ARTICLE 255A STATES, IN PART "PERMISSION OF THE SECRETARIAT OF THE NAVY IS REQUIRED FOR ANYONE TO ACT AS A SHIP AGENT...."

8. ARTICLE 255B STATES "PERMITS TO ACT AS A SHIP AGENT WILL ONLY BE GRANTED TO MEXICAN CITIZENS OR ORGANIZATIONS CONSTITUTED IN ACCORDANCE WITH MEXICAN LAW, WITH A CLAUSE EXCLUDING FOREIGNERS, WHOSE STATUTES CLEARLY STATE THAT THE ADMINISTRATORS, MANAGERS AND THEIR DEPUTIES WILL BE OF MEXICAN NATIONALITY, AND THAT THE CAPITAL WILL BE REPRESENTED BY SHARES IN PEOPLES NAMES (AND NOT "TO THE BEARER"). THE AUTHORITIES WILL BE ALLOWED TO VERIFY THE CAPITAL STRUCTURE AT ANY UNCLASSIFIED

UNCLASSIFIED

PAGE 03 MEXICO 09371 240555Z

TIME. STATUTES WILL HAVE TO RECEIVE THE PRIOR APPROVAL OF THE SECRETARIAT OF THE NAVY."

9. ARTICLE 255F STATES "SHIP AGENTS MUST REGISTER WITH THE SECRETARIAT OF COMMUNICATIONS AND TRANSPORTATION THE CARGO AND PASSENGER TARIFFS OF THE SHIP OWNERS WHICH THEY REPRESENT WHO OPERATE REGULAR MARITIME SERVICE TO AND FROM MEXICO. COPIES MUST BE PRESENTED TO THE

MEXICAN FOREIGN COMMERCE INSTITUTE".

10. ARTICLE 255J STATES "SHIP AGENTS AND OWNERS MUST SUBMIT FOR THE APPROVAL OF THE SECRETARIAT OF THE NAVY THE AGREEMENTS THAT THEY HAVE WITH OTHER AGENTS OR OWNERS WHO OPERATE MARITIME SERVICES TO AND FROM MEXICO, AND WITH CONFERENCES OR ASSOCIATIONS OF OWNERS, IN ORDER TO CONTROL AND REGULATE COMPETITION; AS WELL AS AGREEMENTS FOR THE DISTRIBUTION OF INCOME OR CARGO, FOR THE ASSIGNMENT OF PORTS OR OTHERWISE LIMITING AND REGULATING CARGO AND PASSENGER MOVEMENT TO AND FROM MEXICO"

11. THE COMPLETE DRAFT IS BEING SUBMITTED BY AIR POUCH TO EB/TT/MA. THE ABOVE TRANSLATION IS INFORMAL. ALTHOUGH MEXICAN LAWS ARE NORMALLY NOT RETROACTIVE, MEXICAN FLAG LINE NAVIMEX IS CONCERNED WITH THIS PROPOSED LAW, DUE O THEIR 24 PERCENT US. OWNERSHIP (GENERAL STEAMSHIP CORP.), AS IS AGENCIAS GENERALES MARITIMAS, WHOLLY OWNED BY GENERAL STEAMSHIP CORP., WITH NON-MEXICAN CITIZEN MANAGERS.

12. THE NEW LAW IS SAID TO BE THE WORK PRINCIPALLY OF FORMER SECRETARY OF THE PRESIDENCY HUGO CERVANTES DEL RIO AND UNDER SECRETARY OF THE NAVY ADMIRAL RICHARDO CHAZARO L., AS DIRECTED BY GOM PRESIDENT ECHEVERRIA.
BRANDIN

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MARINE TRANSPORTATION, LAW
Control Number: n/a
Copy: SINGLE
Draft Date: 23 OCT 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975MEXICO09371
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750370-0196
From: MEXICO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751024/aaaaavrl.tel
Line Count: 143
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: buchant0
Review Comment: n/a
Review Content Flags:
Review Date: 17 NOV 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 NOV 2003 by MaustMC>; APPROVED <14 JAN 2004 by buchant0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SHIPPING - NEW MEXICAN NAVIGATION AND MARITIME LAW PROPOSED
TAGS: EWWT, MX
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006